

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Guadalupe GUERRERO,

Defendant

Magistrate Docket No.


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **July 6, 2008** within the Southern District of California, defendant, **Jose Guadalupe GUERRERO**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **8th** DAY OF **JULY, 2008**


William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

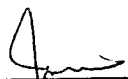
GJM

CONTINUATION OF COMPLAINT:**Jose Guadalupe GUERRERO****PROBABLE CAUSE STATEMENT**

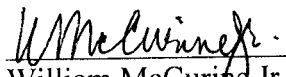
On July 6, 2008, Border Patrol Agent J. Licon Jr. was performing his assigned duties in the Chula Vista area of responsibility. At approximately 8:45 p.m. Agent Licon Jr. was responded to a seismic sensor activation in an area which is approximately one half mile north of the United States/Mexico International Boundary and one mile east of the Otay Mesa, California Port of Entry.

Upon arriving in the area, Agent Licon Jr. briefly searched the area and encountered four individuals attempting to hide in high brush. Agent Licon Jr. approached the four individuals, including one later identified as the defendant, **Jose Guadalupe GUERRERO**, and identified himself as a Border Patrol Agent and questioned them regarding their citizenship. All four individuals admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. All four were placed under arrest and were transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 4, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.



James Trombley
Senior Patrol Agent



William McCune Jr.
U.S. Magistrate Judge

7/8/08, 0834 hrs
Date/Time